

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/27/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIANNA MANZELLA, MICHELE	:	
DZULA, Individually and on behalf of all others	:	
similarly situated, as Class Representatives,	:	
	:	23-CV-0860 (VEC)
Plaintiffs,	:	
-against-	:	<u>ORDER</u>
	:	
SELECT REHABILITATION LLC and	:	
SELECT PT, OT & SLP REHABILITATION	:	
NEW YORK PLLC, d/b/a SELECT REHAB,	:	
ANNA GARDINA WOLFE, and MICHAEL	:	
CAPSTICK individually,	:	
	:	
Defendants.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 23, 2024, the Court scheduled a conference for June 28, 2024, at 10:00 A.M. to be held if the parties did not file a letter or stipulation in compliance with the Second Circuit's decision in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015), Order, Dkt. 61;

WHEREAS the May 23, 2024, Order instructed the parties that they could file a stipulation pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) if accompanied by an affirmation stating that the Plaintiffs have been clearly advised that the settlement of this case does not preclude them from filing another lawsuit against the same Defendants and stating that the settlement agreement does not contain a release of the Defendants, *id.* at 3;

WHEREAS on June 24, 2024, Plaintiffs filed a stipulation of voluntary dismissal without prejudice containing the necessary affirmation, *see* Stipulation, Dkt. 62;

WHEREAS on June 25, 2024, the Clerk's Office informed Plaintiffs' counsel that the stipulation of voluntary dismissal had deficiencies and instructed counsel to re-file the document properly;

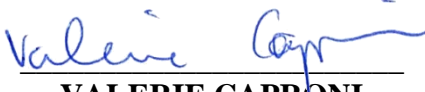
WHEREAS Plaintiffs have not yet re-filed the stipulation of voluntary dismissal;

IT IS HEREBY ORDERED that, because Plaintiffs intend to dismiss their claims without prejudice, the status conference scheduled for Friday, June 28, 2024, at 10:00 A.M. is CANCELED;

IT IS FURTHER ORDERED that Plaintiffs must re-file the stipulation of voluntary dismissal correcting the deficiencies identified by the Clerk of Court by no later than **Friday, June 28, 2024**. Failure to comply with this deadline may result in sanctions.

SO ORDERED.

Date: June 27, 2024
New York, New York


VALERIE CAPRONI
United States District Judge